

ESTTA Tracking number: **ESTTA700518**

Filing date: **10/06/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Varsity Spirit LLC
Granted to Date of previous extension	10/07/2015
Address	6745 Lenox Center Ct. Memphis, TN 38115 UNITED STATES
Attorney information	DEBORAH K SQUIERS COWAN LIEBOWITZ & LATMAN, PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES trademark@cll.com, dks@cll.com, las@cll.com, ryg@cll.com Phone:2127909200

Applicant Information

Application No	86268441	Publication date	06/09/2015
Opposition Filing Date	10/06/2015	Opposition Period Ends	10/07/2015
Applicant	MANGO USA INC 5620 1st avenue Brooklyn, NY 11220 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2006/02/01 First Use In Commerce: 2006/02/01 All goods and services in the class are opposed, namely: Apparel for men and woman of all ages, namely, A-Shirts, Belts, Boots, Caps, Crop Tops, Dress Pants, Dress Shirts, Dress Suits, Dresses, Footwear, Hats, Knit Bottoms, Knit Skirts, Knit Tops, Leather Belts, Leather Shoes, Leggings, Pajamas, Pants, Polo Knit Tops, Polo Shirts, Scarves, Shirts, Shoes, Shorts, Ski Pants, Skirts, Suits, Sweat Pants, Sweat Shirts, Sweatshirts, T-Shirts, Tank Tops, Tank-Tops, Tee Shirts, Trousers, Tube Tops, Uniforms
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Grounds for Opposition

Other	See attached pleading
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Attachments	Notice of Opposition.pdf(25324 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ryan A. Ghiselli/
Name	Ryan A. Ghiselli
Date	10/06/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 86268441
Filed: May 1, 2014
For Mark: PINK VARSITY
Published in the Official Gazette: June 9, 2015

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VARSITY SPIRIT, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
MANGO USA INC.)	
)	
Applicant.)	
-----X		

NOTICE OF OPPOSITION

Opposer, Varsity Spirit, LLC, a Tennessee corporation, having a business address at 6745 Lenox Center Court, Memphis, TN 38115, believes it will be damaged and hereby opposes the registration of the mark PINK VARSITY (“Applicant’s Mark”) as shown in Application Serial No. 86268441 (the “Application”). The grounds for opposition are as follows:

1. Applicant, Mango USA Inc., (“Applicant”), by the Application herein opposed, seeks to register Applicant’s Mark as a trademark for use with respect to “Apparel for men and woman of all ages, namely, A-Shirts, Belts, Boots, Caps, Crop Tops, Dress Pants, Dress Shirts, Dress Suits, Dresses, Footwear, Hats, Knit Bottoms, Knit Skirts, Knit Tops, Leather Belts, Leather Shoes, Leggings, Pajamas, Pants, Polo Knit Tops, Polo Shirts, Scarves, Shirts, Shoes, Shorts, Ski Pants, Skirts, Suits, Sweat Pants, Sweat Shirts, Sweatshirts, T-Shirts, Tank Tops, Tank-Tops, Tee Shirts, Trousers, Tube Tops, Uniforms” in Class 25, with an alleged date of first use in commerce of February 1, 2006.

2. Upon information and belief, Applicant is a New York corporation located at 5620 1st Avenue, Brooklyn, NY 11220.

3. Opposer and/or related entities Varsity Spirit Fashions & Supplies, Inc., Varsity Brands, LLC and other related companies, all of whom are in direct privity with one another (hereinafter referred to individually and collectively as the “Varsity Companies”), are engaged in the business of manufacturing and selling a wide variety of apparel, footwear and headwear, conducting sports competitions and games, offering online services including multiple interactive websites and social media platforms featuring entertainment, photos, videos and sports information, and other related goods and services (“Opposer’s Goods and Services”), all of which bear the mark and/or trade name VARSITY, alone and /or with other words, designs or stylization (“Opposer’s VARSITY Marks”).

4. Prior to the filing date of the Application and February 1, 2006 (Applicant’s claimed first use date), the Varsity Companies have used, and continue to use in commerce Opposer’s VARSITY Marks on or in connection with Opposer’s Goods and Services.

5. The Varsity Companies own the following trademark and service mark registrations and applications in the United States without limitation: U.S. Reg. Nos. 1575830; 4546436; 2357303; 4110341; 2526564; 3696209; 4403734; 3436493; 3928856; 3782740; 4607865; 4258636; 4451703; 4743867; 4526644; 4593424; 4203121; 4203122; 4314148; 4625161; 1796645; 1680452; 2293083; 4615138; 3920302; 3858342; 3797635; 3689696; 3418764; 4464123; 2082554; 1812198; 879543; 4438199; 4823834 and 2155823; and U.S. Ser. Nos. 86012461; 86018022; 86315936; and 86316142.

5. By virtue of extensive use in commerce of Opposer's VARSITY Marks in the United States, the relevant trade and public have come to associate goods and services bearing such marks with the Varsity Companies.

6. The goods of Applicant and the goods and services of Opposer are identical and/or substantially similar and related.

7. Applicant's Mark, which includes "VARSITY" and a disclaimer for "PINK", is identical and/or similar to Opposer's VARSITY Marks.

8. Applicant's Mark, as applied to the goods set forth in the Application herein opposed, so resembles Opposer's VARSITY Marks as applied to its goods and services that it is likely to cause confusion, mistake and/or deception.

9. If Applicant is permitted to register Applicant's Mark for the goods set forth in the Application herein opposed, confusion of the relevant trade and public resulting in damage and injury to the Varsity Companies would be likely to result. Any persons familiar with the goods and services of the Varsity Companies would be likely to assume that Applicant's goods are sponsored by or produced under license from or otherwise affiliated with the Varsity Companies. Furthermore, any objection to or fault found with Applicant's goods provided under its mark would necessarily reflect on and seriously injure the reputation that the Varsity Companies have established for goods sold and services rendered under Opposer's VARSITY Marks.

10. If Applicant were granted a registration for Applicant's Mark, it would obtain thereby at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to the Varsity Companies.

WHEREFORE, Opposer prays that registration of the mark of Application Serial No. 86268441 be refused and that this opposition be sustained.

Please recognize Deborah K. Squiers as the principal attorney for Applicant in this proceeding and as the named correspondent.

Dated: October 6, 2015
New York, New York

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.

By: /Deborah K. Squiers/
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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 6, 2015 a true and correct copy of the Notice of Opposition was served by United States Mail, First Class, by depositing it, postage prepaid, in a depository under the exclusive custody and control of the United States Postal Service, addressed to Applicant's Attorney of Record:

MIRO LATI
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/Ryan A. Ghiselli/
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